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Attorneys for Defendants  
PROTIVA BIOTHERAPEUTICS, INC.,  
and MARK J. MURRAY

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SIRNA THERAPEUTICS, INC.,

Plaintiff,

v.

PROTIVA BIOTHERAPEUTICS, INC.,  
and MARK J. MURRAY,

Defendants.

Case No. C 06-01361 MMC

**STIPULATION AND ~~PROPOSED~~  
ORDER TO FURTHER EXTEND  
DEFENDANTS' TIME TO ANSWER  
OR OTHERWISE RESPOND TO  
THE AMENDED COMPLAINT**

1 The parties herein, by and through their counsel of record, hereby stipulate and agree  
2 as follows:

3 WHEREAS plaintiff filed its Amended Complaint on April 25, 2006;

4 WHEREAS the current deadline for defendants to answer or otherwise respond to the  
5 Amended Complaint is September 5, 2006;

6 WHEREAS the parties are currently negotiating in good faith to resolve their dispute  
7 without legal recourse, the parties respectfully request the Court to extend the defendants' time  
8 to answer or otherwise respond to the Amended Complaint to September 12, 2006.

9 NOW, THEREFORE, the parties request that the Court order the following:

10 Defendants' last day to answer or otherwise respond to the Amended Complaint is  
11 September 12, 2006.

12 IT IS SO STIPULATED.

13  
14 Dated: September 1, 2006

O'MELVENY & MYERS LLP

15  
16 By: /s/ Meredith N. Landy  
Meredith N. Landy

17  
18 Attorneys for Plaintiff  
SIRNA THERAPEUTICS, INC.

19  
20 Dated: September 1, 2006

ORRICK, HERRINGTON & SUTCLIFFE LLP

21  
22 By: /s/ Elizabeth A. Howard  
Elizabeth A. Howard

23  
24 Attorneys for Defendants  
PROTIVA BIOTHERAPEUTICS, INC.,  
25 and MARK J. MURRAY

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**CERTIFICATION OF CONCURRENCE**

I hereby attest that concurrence in the filing of this document has been obtained from counsel for defendants, Elizabeth A. Howard.

Dated: September 1, 2006

O'MELVENY & MYERS LLP


By: /s/ Meredith N. Landy  
Meredith N. Landy

Attorneys for Plaintiff  
SIRNA THERAPEUTICS, INC.

**ORDER**

IT IS SO ORDERED.

Dated: September 1, 2006

  
\_\_\_\_\_  
The Honorable Maxine M. Chesney  
United States District Judge

MP1:985669.2